

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

## **June 14, 2016**

### **ELECTED OFFICIALS PRESENT**

Dave Earling, Mayor  
Kristiana Johnson, Council President  
Michael Nelson, Councilmember  
Adrienne Fraley-Monillas, Councilmember  
Diane Buckshnis, Councilmember  
Dave Teitzel, Councilmember  
Thomas Mesaros, Councilmember

### **ELECTED OFFICIALS ABSENT**

Neil Tibbott, Councilmember

### **STAFF PRESENT**

Jim Lawless, Assistant Police Chief  
Phil Williams, Public Works Director  
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.  
Jeanie McConnell, Engineering Program Mgr.  
Rosa Fruehling-Watson, City Attorney  
Scott Passey, City Clerk  
Andrew Price, Legislative/Council Assistant  
Jerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

### **1. CALL TO ORDER/FLAG SALUTE**

Mayor Earling read the following statement: Our thoughts and support go out to the families of the victims of the tragic massacre in Orlando as well as the people of Orlando as they come together as a community to survive this affront to human rights and dignity.

The Edmonds City Council meeting was called to order at 7:17 p.m. by Mayor Earling in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### **2. ROLL CALL**

City Clerk Scott Passey called the roll. All elected officials were present with the exception of Councilmember Tibbott.

### **3. APPROVAL OF AGENDA**

Council President Johnson requested the addition of an Emergency Resolution regarding the City Park Fire as Item 7.A.

**COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE AGENDA IN CONTENT AND ORDER AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

### **4. APPROVAL OF CONSENT AGENDA ITEMS**

**COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO REVISE THE SPECIAL MEETING MINUTES OF JUNE 7, 2016 TO INDICATE MAYOR EARLING WAS NOT PRESENT. MOTION CARRIED UNANIMOUSLY.**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE CONSENT AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

- 1. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES OF JUNE 7, 2016**
- 2. APPROVAL OF COUNCIL MEETING MINUTES OF JUNE 7, 2016**
- 3. APPROVAL OF CLAIM CHECKS**
- 5. AUDIENCE COMMENTS**

**Farrell Fleming, Executive Director, Edmonds Senior Center**, invited the Council and the community to an open house on Wednesday, June 22 from 5:00 to 7:00 p.m. at the Senior Center, the first in a series of community forums and presentations to gather public input on the plan to build a new multi-generational activity center on the senior center site. The open house will include a brief presentation at 6:00 p.m. by the architects, Environmental Works, who are designing the building, the landscape architect who is designing the beach restoration project and new walkway, and the environmental consultant, Herrera Environmental Consultants. The latest conceptual drawings will be on display, similar to those presented to the Council at their March 4 retreat, and refined after input from the Building Committee and City staff. The goal for the evening is public input; they will be in a listening mode. Many staff, board and committee members will assist in the process which will be largely low tech. The intent is gather input on a one-to-one basis or very small groups. There will also be the ability to email thoughts, suggestions and questions. They are interested in obtaining input in three general areas, 1) the building, 2) the beach restoration, and 3) the environmental impact and sustainability of the project. Sustainable Edmonds may co-host the event and have been part of planning the event. One of the hopes for the Edmonds Waterfront Center is it becomes the obvious location of environmental programs, classes, and presentations; the location demands this be a key focus of the new center.

**6. STUDY ITEMS**

**1. STUDENTS SAVING SALMON PRESENTATION**

**Rondi Nordal, President**, Edmonds-Woodway High School Students Saving Salmon Club, introduced club members who were present: Afua Tiwaa, Fatima Fatty, Pavi Chance, Lindsey Barnes, Arisbeth Acosta, Justin Heckt, and Sam Kleven. She thanked the Council for the opportunity to present and for their support of the Edmonds Stream Team. Further details are available in the report in the Council packet. The presenters are all student volunteers participating in the Citizen Science Program through the Club; their project is to evaluate the water quality of the watersheds in Edmonds. This presentation is a follow-up to the October presentation and she hoped to continue making periodic updates to the Council on the water quality in Edmonds, perhaps every six months.

**Pavi Chance** explained the purpose of the project is to monitor water quality and environmental health as the state does not have the means to monitor every stream, citizen scientists are stepping in. They also seek to identify areas of improvement, identify what is being done right and what can be improved and provide data to be used by other organizations. Ultimately they seek to protect salmon in stream Shell Creek as well as bring them back to other creeks. Due to a high pre-spawn mortality in Coho salmon in streams that fall within the State parameters for healthy water, they are also seeking to identify if there is something else happening. They test for a number of parameters important to salmon health including dissolved oxygen which fish need to breathe, temperatures because cooler temperatures are better for salmon and hold more dissolved oxygen, nitrates because high levels cause algae blooms which deplete the water of dissolved oxygen, and pH which acts as an indicator of rain.

**Lindsey Barnes** displayed a map of 14 monitoring sites in the Marsh and upper and lower ends of creeks in Edmonds. Four teams of two to four students are responsible for four sites each. They monitor Willow Creek, Shell Creek, Shellabarger Creek and Edmonds Marsh and test the water quality once a month using a high quality multi-parameter instrument. Other environmental data is collected and recorded on a standardized form and entered into a publicly available database. Seven parameters are monitored using an electronic meter, water temperature, pH, dissolved oxygen, oxygen saturation, conductivity, specific conductance, total dissolved solids, salinity and nitrates. Measured temperatures were evaluated against the Washington water quality standards which sets aquatic life standards at 63.7 F for salmon. Dissolved oxygen standards are 8 mg/L for salmon spawning and pH standards are 6.5-8.5. Water temperature, dissolved oxygen and pH were evaluated to determine whether the measurements were within the Washington water quality standards. When monitoring streams, water samples were collected in the fall, winter and spring from each site and delivered to a laboratory for testing for heavy metals and petroleum product. Quarterly samples are collected and tested for fecal coliform analysis at the City's wastewater treatment plant. The samples were also analyzed for coliform bacteria at North Seattle Community College.

**Arisbeth Acosta** reported the three creeks exhibited an expected trend of decreasing temperature in the fall with winter lows and increases in spring. She reported on:

- Water temperature
  - Average: 51.6 F
  - High: 56.8 F
  - Low: 45.6 F
  - All creeks below 60.8 F
  - All creeks appear good condition
  - Data does not include summer months, will need to be reassessed in the fall
- Dissolved oxygen
  - Levels at or below 2 mg/L are lethal to most fish
  - Colder water holds more dissolved oxygen
  - Average: 10.5 mg/L
  - Range: 9.3 mg/L to 12.5 mg/L
  - All observed levels above the lowest one-day minimum of 8.0 mg/L set forth in Washington standards
  - Salmon eggs in a stream will do best in dissolved oxygen levels of 11.4 mg/L
  - All three creeks are in good condition related to dissolved oxygen
- pH Levels
  - Measured on scale 0-14
  - 7 = neutral, below 7 acidic
  - pH in all three creeks generally stated constant
  - Average: 7.71 with range between 6.97 to 8.22
  - Decline in pH in December and March due to rain which is more acidic than stream water
  - All observed pH levels in creeks within pH of 6.5 to 8.5
    - Suitable for salmon
    - Within Washington state standards
  - All three creeks in good condition related to pH

Ms. Nordal explained as Shell Creek is the only creek tested that contains spawning salmon, it is held to higher standards during the winter months, stricter than the WAC because it specifies a minimum of 11 mg/L of dissolved oxygen versus 8 mg/L. Salmon eggs are highly vulnerable and require more dissolved oxygen. Shell Creek meets these requirements, likely the reason it can successfully support salmon. She noted one area of Shell Creek does not meet this standard but salmon do not currently reach that site.

Ms. Chance provided information specific to Shellabarger Creek and Willow Creek, advising both fell within the water quality parameters of the State. Both streams influence the Marsh equally and while neither contain salmon, they drain into the Marsh so their water quality is important.

- Shellabarger Creek
  - Higher dissolved oxygen level in the upper middle fork
- Willow Creek
  - Higher dissolved oxygen level throughout

Justin Heckt presented information regarding the Edmonds Marsh:

- Water temperature
  - Below 60.8 F except during May
- pH
  - Edges more acidic, average 6.6
  - Main inflow average 7.3
  - Within Washington standards 6.5 to 8.5 except one near Harbor Square of 6.4
- Dissolved oxygen
  - Main inflow average 9.4 mg/L
  - Edges average: 1.8 mg/L except in March
    - Edges do not have as much inflow and subject to standing water and/or decaying matter
- Salinity
  - Marsh is affected by tidegate which prevents saltwater entry in late fall and winter
  - From late fall (October 15) to late winter (mid-March) marsh salinity mirrors incoming creeks
  - Year-round saltwater entry would make the Marsh more productive environment

**Afua Tiwaa** reported on macroinvertebrates, explaining water testing is a great way to monitor the health of the streams. Because a full year of monitoring has not been done, it is difficult to determine their overall health. She reported on sampling to evaluate the number of macroinvertebrates. The bugs are grouped into three categories, 1) pollution intolerant, 2) somewhat tolerable of pollution, 3) tolerant of pollution. A higher presence of bugs in group 1 indicate stream health is good which was the case for the upper portion of Shell Creek.

Ms. Chance displayed and reviewed a graph of total petroleum hydrocarbons, reporting although there were some spikes of oil and diesel, nothing alarming. This data is limited due to the expense of lab testing, \$90/sample so it was not done often. The limited data will be used to establish a baseline for comparison with storm events. They have been unable to collect during storm events due to strict testing criteria. Although there are some potential areas of concern, there is not enough information to draw a conclusion and many scientists are looking at the data relative to salmon mortality. She also displayed and reviewed a graph regarding dissolved metals, advising there were higher zinc and iron levels, but far below the standard and both are naturally occurring chemicals.

Ms. Nordal reported on fecal coliform, explaining samples were tested at the wastewater treatment plant. Fecal coliform is bacteria that lives in the gut and fecal matter of warm blooded animals. There are generally lower levels of fecal coliform although some sites, primarily lower Shellabarger Creek, southwest corner of Shellabarger Marsh and the Edmonds Marsh outlet and eastern edge at Hwy 104 culvert had elevated levels that exceeded the standard, colonies/100 mL, the standard for contact. Although people do not swim in the Marsh, that standard is used to determine potential health risk. They hope to collect more data and more frequent data to identify what may be causing this or any trends.

**Fatima Fatty** reviewed project recommendations

- No detrimental water quality issues detected so far except for the edges of the Marsh. But need to collect summer data, consider more intense fecal coliform collections, and collect further and better analyze heavy metals and petroleum compounds data.
- Continued monitoring will provide annual trends and needed baseline data. Project is pursuing collection of turbidity, phosphorous, and other data to make project more compatible with State level monitoring program.
- Monitoring sites selected are adequate, but additional sites would be beneficial.
- Project has demonstrated that a Citizen Science project utilizing students can be successful in collecting valid, scientific data. We have benefited from participation and will carry this experience into college and future careers.

**Sam Kleven** recommended the citizens of Edmonds cooperate in preserving natural resources including salmon that spawn in lower Shell Creek. Things citizens can do include:

- Wash cars at a car wash instead of in the driveway to prevent soapy water entering storm drains and into marine ecosystems
- Use sustainable options for law such as native grasses instead of fertilizing
- Make own compost to improve soil
- Bike more to get exercise and save gas

He commended the City for actions taken to improve Shell Creek and as a result there are still salmon in Shell Creek. He suggested the City:

- Provide additional funding for stream-side property acquisition to better maintain environmental conditions that directly affect streams
- Launch an effort to remove invasive species and plants
- Remove obstacles salmon face while going upstream

Ms. Nordal thanked the Council and Mayor for their support, student and adult volunteers, teachers, school administrators, Edmonds School District, Sound Salmon Solutions, Earth Corp, grantors including the Hubbard Foundation, Google.org and the National Fish and Wildlife Foundation and property owners who allowed access to their land. She thanked the EWS art class that is working on the On-the-Fence mural that will be displayed during the Art Festival.

Councilmember Mesaros thanked the students and their supporters. He asked if the students had found any comparative data. Ms. Nordal answered they have been working with data they have collected and State standards. **Joe Scordino** said the purpose of initiating this program was the lack of data.

Councilmember Mesaros referred to the amount of fecal matter in the Marsh and asked if mammals, birds and fish in the Marsh cause the bacteria rise. Ms. Nordal said that was a potential cause; however, due to the incredibly high levels, there may be other sources such as people not picking up after their dogs. Heavy rainfall also washes away more fecal matter. Some of high levels were following rain events although the testing date that indicated levels approaching 300 colonies/100 mL was not.

Councilmember Teitzel thanked the students for volunteering their time. He observed salmon return to the lower reaches of Shell Creek, the only creek that currently supports salmon, yet the water quality is fairly comparable in all streams. He asked why salmon are not returning to other stream. Mr. Scordino advised the access to Willow and Shellabarger Creeks is through the Marsh which currently drains through a 1275-foot pipe that is 40 feet below the water surface. Fish usually find a creek toward the surface and do not typically dive down. If there are salmon in the other creeks, it is very few, primarily due to the pipe. That will be rectified with the Willow Creek daylighting project.

Councilmember Teitzel inquired about salmon in Hindley and Perrinville Creeks. Mr. Scordino answered salmon can reach the lower reach of Hindley from Shell Creek but not far due to culverts and dropping barriers. Ms. Nordal said the water is not very deep where Hindley enters Shell Creek and there is not much water flow. In addition, there is a culvert several feet from where Hindley merges with Shell Creek.

Councilmember Buckshnis advised the final design for Willow Creek has been completed. She encouraged the students to invite her on their next walkabout. She commended the students for their report and encouraged them to make a presentation to WRIA 8.

Councilmember Nelson referred to a monitoring site the students are interested in at the south end of the Marsh that is currently overseen by the Department of Ecology (DOE) on the Unocal property and asked why access is not allowed. Mr. Scordino answered they would also like to know why. DOE was asked to approach Chevron to obtain permission to go on the property and they declined. Where the students would like to test is on the periphery of the site, away from the cleanup.

Councilmember Nelson referred to the students' inability to collect and determine summer water temperatures and asked if higher summer temperatures would affect the viability of salmon. Ms. Nordal answered it would depend in part on the species and the point in the lifecycle. She recalled salmon attempting to spawn in the Columbia but due to incredibly high water temperatures, they were dying off due to the lack of dissolved oxygen and increased susceptibility to fungal infections; lower water temperatures create higher dissolved oxygen. She agreed higher summer water temperatures can affect salmon spawning and lower dissolved oxygen levels could also affect eggs.

Councilmember Fraley-Monillas relayed the community's thanks for the amount of time the students have spent on this project, recognizing it was not all done during school hours. She recognized Joe Scordino and Val Stewart and other adult volunteers for their efforts on this project. She encouraged the students to invite all Councilmembers on their walkabout. She was disappointed the entire presentation was not televised due to the power outage; there is a lot interest in the Marsh and efforts of the Students Saving Salmon.

At Council President Johnson's request, several students indicated they were graduating seniors. She remarked this was an important final exam and a tribute to a long year of work. She thanked the students for their dedication and their scientific expertise. She was hopeful this project would help them in their future. She also thanked Mr. Scordino and Ms. Stewart.

Mayor Earling also thanked the students for their efforts and for their presentation.

## **2. PRESENTATION OF A CHANGE ORDER WITH RAZZ CONSTRUCTION, INC. FOR THE FISHING PIER REHABILITATION PROJECT**

Public Works Director Phil Williams relayed the pier had more extensive damage internally than was known when the project started. The original construction did not comport with the approved plans and specifications; the top slab placed on the existing deck did not bond well which allow water and moisture to seep in from the sides and corrode the rebar and caused the two slabs to delaminate and fall apart which extended into the center section of the pier. A great deal of work is required to repair the damage including cutting off 9 inches on the outside, pouring a new section, and placing anodes in the structure to stop the ongoing corrosion. The total cost to complete the additional work is \$429,100, after some significant deducts, the actual increase in the construction contract is \$227,000.

Parks & Recreation Director Carrie Hite referred to the budget in the packet that reflects the current funding sources and expenses; with the change order, the total cost of the project is \$1.692 million. In discussion with the State Recreation and Conservation Office (RCO), because the City's grant request

score very well two years ago, the project was still on the Water Access Funds' radar. The City received a direct appropriation for the pier from the legislature and after requesting additional funds for the project due to the significant damage, RCO agreed to provide \$450,000 if Washington Department of Fish & Wildlife (WDFW) provided \$50,000 which WDFW did. Additional funds, \$207,000, are included in the budget for a management reserve to address any other issues that may arise. The management reserve is more than 10% but it is a reimbursable contract, if the funds are not spent, they are not billed or reimbursed. The contractor has provided a schedule; the opening day is approximately August 16. She requested the Council approve the \$1.9 million budget and the \$227,078 change order.

Council President Johnson asked when a decision will be made to take over the pier from the State. Ms. Hite answered in previous discussions with the Council and Mayor, they wanted to wait until the capital repairs were complete before entering into that discussion. Discussion with the Council regarding transfer of ownership will begin as soon as the pier opens. The City has an Interlocal Agreement with WDFW because they own the pier and the City is managing the construction contract; staff will return to Council in the next 1-2 weeks to ask for authorization to amend the contract and add the funding and the new scope of work.

Councilmember Buckshnis complimented Ms. Hite for finding the additional funds.

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER TEITZEL, TO 1) INCREASE THE TOTAL PROJECT BUDGET TO \$1,900,000, AND 2) AUTHORIZE THE MAYOR TO SIGN A CONTRACT CHANGE ORDER FOR \$227,078 TO COMPLETE ADDITIONAL REPAIR WORK.**

Council President Johnson said staff's recommendation was to forward this to the June 21 Consent Agenda.

**COUNCILMEMBER BUCKSHNIS WITHDREW THE MOTION WITH THE AGREEMENT OF THE SECOND**

Councilmember Teitzel asked if all the damage had been discovered or was there a possibility more would be uncovered. Mr. Williams answered the designers are confident if the edge repairs are made, the anodes will stop any ongoing corrosion in any part of the structure. With those repairs, the structural engineers' opinion is the pier will be good for another 40 years.

Councilmember Fraley-Monillas referred to a deduct for the galvanized guard rails, light poles and the trestle railings and asked why those were deducted. Ms. Hite answered it was due to savings identified by the contractor.

Mayor Earling thanked the department heads for their quick work. Ms. Hite was in Olympia for another reason and returned with a considerable amount of funding. The Engineering Department has also worked quickly on this project. Ms. Hite relayed the State RCO is stellar to work with; they made the magic happen by identifying and allocating funds to Edmonds for the fishing pier.

It was the consensus of the Council to schedule this item for approval on the June 21 Consent Agenda.

### **3. PRESENTATION ON THE STORMWATER CODE UPDATE**

Public Works Director Williams explained in the past Jerry Shuster would have been making this presentation; he left the City to work for Bellevue and a suitable replacement is being recruited. He introduced **Craig Dubberstein, CPD Solutions**, a subcontractor to Herrera with whom the City has contracted due to their expertise in rewriting the stormwater section, Chapter 18.30. Coordinating with

this effort, the rest of the development code is also being reviewed for necessary additions and changes that will incorporate LID principles into preliminary work. Tonight's presentation is focused on Chapter 18.30. He also introduced Jeanie McConnell, Engineering Program Manager. These are significant changes to the code including the way people apply, information required for the application, the amount of outside expertise needed to prepare the application as well as staff time review. It is good for surface streams both water quality and channel security and integrity as well as for Puget Sound. The only down side is it will require more work and expense.

Mr. Dubberstein reviewed the history of the City's stormwater code:

- 1977: First Code
- 1980: Code Revised
- 1995: Code Revised
- 2009: Code Rewritten
- 4/20/2010: Current Version Adopted

He reviewed drivers for 2016 Code Revisions

- 2013-2018 Western Washington Phase II Municipal Stormwater Permit (NPDES Permit)
- 2014 Stormwater Management Manual for Western Washington (Ecology's Manual)
- (Essentially identical requirements for 87 "NPDES Phase II" municipalities across western Washington) 3

Mr. Dubberstein provided an overview of the permit requirements:

- S5.C.4.a - Controlling Runoff from New Development, Redevelopment and Construction Sites
- Implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects. The ordinance or other enforceable mechanism shall include, at a minimum, the Minimum Requirements, thresholds, and definitions in Appendix 1 [of the NPDES Permit] or a program approved by Ecology under the 2013 NPDES Phase I Municipal Stormwater Permit, for new development, redevelopment, and construction sites.
- The local requirements shall include site planning, Best Management Practice (BMP) selection and design, and BMP infeasibility criteria.
- The program shall include a permitting process with site plan review, inspection and enforcement capability to meet the standards listed, for both private and public projects. The program shall include provisions to verify adequate long-term operation and maintenance of stormwater treatment and flow control BMPs/facilities that are permitted and constructed pursuant to the above. These provisions shall be in place no later than December 31, 2016.
- Most substantial change has to do with new Low Impact Development requirements (Permit "Minimum Requirement #5")
  - Affects small projects (>2,000 sq. ft. of impervious)
  - More complex site assessment requirements
  - Additional City review requirements

He provided an overview of Chapter 18.30 revisions:

<b>Code Section</b>	<b>Existing/Proposed Section Titles</b>
18.30.00	Purposes
18.30.010	Definitions
18.30.020	Authority and Regulation
18.30.030	Applicability
18.30.040	<del>Administration</del> Exemptions
18.30.050	<del>Project Classification</del> Administration



18.30.060	<del>Storm water management</del> Requirements
18.30.070	<del>Exemptions</del> , Exceptions, Adjustments and Appeal
18.30.080	<del>Easements, deeds</del> , Access and Covenants
18.30.090	Post Construction Inspection and Maintenance Roles and Responsibilities
18.30.100	Enforcement Rules
18.30.110	Notice and Hearing on Adoption of Rules
18.30.120	Rules to be Filed

He reviewed notable proposed code revisions:

- Definitions – (Ch. 18.30.010)
  - Revising 28 terms to be consistent with the latest NPDES permit definitions, as well as for consistency with general stormwater practices.
  - Adding 28 new terms to be consistent with the latest NPDES permit definitions, and for clarity of new or changed code requirements. (E.g., “bioretention” and “hard surface”)
  - Deleting 9 terms no longer used in the revised code, or defined in other code sections. (E.g., “critical area” and “variance”)
- Authority & Regulations (Ch. 18.30.020)
  - A. Clarifying that the Director has authority to enforce the Edmonds Stormwater Addendum.
  - B. Adding – Statement that the requirements of this chapter are minimum requirements.
  - C. Adding – That the Director shall have the authority to impose additional requirements.
  - D. Adding – Approvals and permits granted under this chapter are not waivers of the requirements of any other laws.
  - E. Adding – Compliance with the provisions of this chapter does not necessarily mitigate all impacts to the environment
- Stormwater management requirements (Ch. 18.30.060)
  - Adopting by reference:
    1. Western Washington Phase II Municipal Stormwater Permit, Appendix 1, modification date January 16, 2015
    2. Stormwater Management Manual for Western Washington, 2014
    3. The Edmonds Stormwater Addendum (in development)
 Substantial changes to 18.30.060 for equivalency with Ecology’s requirements in the 2013-2018 NPDES Phase II permit and 2014 Manual (see subsequent slides).
- Stormwater management requirements (Ch. 18.30.060)
  - New connections to the City’s system:
    1. Specific to sites that do not meet the definition of new or redevelopment (i.e., no development activity)
    2. May be allowed on a case-by-case basis, subject to City approval.
    3. For sites > 2,000 sq. ft. of impervious area, requirements associated with stormwater flow control and/or water quality treatment may be required if the drainage poses a risk/threat to downstream systems/properties.
- MINIMUM REQUIREMENT #4 – Preservation of Natural Drainage Systems and Outfalls
  - Folding in old Min. Req. #10 – Off-site Analysis and Mitigation into Min. Req. #4, to capture smaller projects
  - Less rigorous requirements for smaller projects. “Qualitative” assessment of off-site issues.
- MINIMUM REQUIREMENT #5 – On-site Stormwater Management
  - Minimum Requires #1 - #5:
    - ≥ 2,000 sq. ft. new and replaced hard surface area, or
    - ≥ 7,000 sq. ft. land disturbance
  - Min. Requirements #1 - #9:
    - ≥ 5,000 sq. ft. new and replaced hard surface area, or
    - ≥ 3/4 acre vegetation to lawn/landscape, or

- $\geq 2.5$  acres native vegetation to pasture
- **MINIMUM REQUIREMENT #5 (Implementation)**
  - Projects triggering MR #1 - #5 only
    - List #1, or LID Performance Standard applies
  - Projects triggering MR #1 - #9
    - List #2 or LID Performance Standard applies
- **MINIMUM REQUIREMENT #5 (List Option)**
  - Lawn and Landscaped Areas
    1. Soil Quality and Depth
  - Roofs
    1. Full Dispersion or Downspout Full Infiltration
    2. Rain Gardens [or Bioretention]
    3. Downspout Dispersion Systems
    4. Perforated Stub-out Connections
  - Other hard surfaces
    1. Full Dispersion
    2. Permeable Pavement [or Rain Gardens or Bioretention]
    3. Sheet Flow Dispersion, or Concentrated Flow Dispersion
  - Consider all BMPs in the order listed and use the first BMP that is considered feasible:
- **MINIMUM REQUIREMENT #5 (LID Performance Standard Option)**
  - Achieved using hydraulic/hydrologic modeling (typically requires professional engineering support)
  - LID Performance Standard addresses lower, more frequent stormwater flows
- **MINIMUM REQUIREMENT #5 (Impacts to Permit Process)**
  - Extensive new parcel-scale BMP installations
  - Generally increases developer site investigation, design, and construction level of effort
  - Increases City review and inspection effort
  - Improved stormwater and water quality control, dispersed among sites and close to source of impact
- **MINIMUM REQUIREMENT #5 (Retrofitting unmanaged impervious areas)**
  - Existing Site
  - Existing Parking Lot to Remain – Stormwater Management will need to be provided for a minimum of 25% of the existing surface area.
  - Remove Existing Structure & Replace with New Structure – Stormwater Management will need to be provided for New Impervious Surface Area
- **MINIMUM REQUIREMENT #5 (Projects not draining to City's system)**
  - For example, drains to BNSF system or direct to Puget Sound:
    1. To off-site private property: obtain permission from owner (e.g., BNSF)
    2. Direct to Puget Sound: apply subset of Min. Req. #5 List (per Ecology)
    3. Manage on-site: apply Min. Req. #5 List with geotechnical analysis
    4. Pump to City system: with approval, and with capacity analysis
- **Access and Covenants (Ch. 18.30.080)**
  - Revising language for compliance with NPDES Permit:
    - A. Access. Proper ingress and egress shall be provided to the City for inspection. The City shall notify the responsible party in writing of a failure to provide access.
    - B. Covenants. Maintenance covenants shall be required for each site/lot that will be maintained by a private entity. The maintenance covenant shall address requirements and responsibilities for long-term management and maintenance of the applicable BMP(s).

Mr. Dubberstein provided a summary:

- Major code revisions driven by NPDES Permit compliance. Primary change relates to low impact development and “on-site” BMPs.
- Generally requires additional project effort, and City review effort
- Similar to over 80 similar municipalities
- Code to be “adopted and effective no later than December 31, 2016”

#### Schedule/Status

- July 20 – Public outreach meetings (separate meetings for developers and the public)
- July 2016 – Second City Council briefing (if significant changes to draft code)
- Aug. 2, 2016 – City Council Public Hearing
- Aug. 16, 2016 – City Council Action Item (Seeking approval of code with an effective date of Jan 1, 2017)
- Late Summer/Fall 2016 – completion of Stormwater Addendum. Development of implementation tools (e.g., review checklists)

With regard to retrofitting, Mr. Williams explained in the current code, any retrofit that is below the threshold (such as 2,000 square feet) would not trigger the code; as a result smaller renovations could be done over time, none of which trigger the code on their own. This approach using 25% of the existing impervious is an easier way. He acknowledged the changes are complicated and there will be a tremendous need for education well beyond the meetings scheduled on July 20 including for staff.

Councilmember Mesaros referred to 18.30.060, new connections, relaying an example of a homeowner upon realizing his renovation is approaching the 2,000 square foot level would decide not to do anything or do a smaller project. Mr. Williams answered there is no perfect answer; regardless of what the trigger is someone could do a project below that level and not go through this effort. He recognized that could happen but said any significant change on a lot was likely to trigger the 2,000 square foot level. One option would be to consider incentives. Councilmember Mesaros acknowledged there were good reasons for the code revisions such as to control runoff; however, for a homeowner, their good intentions and pocketbook may differ. Mr. Dubberstein said the actual cost may not be as much as the perceived cost so education will be important. City staff will be able to explain to homeowners how to meet the requirements with minimal effort.

Councilmember Mesaros said part of the effort needs to be educating the public that this is a great opportunity to control runoff versus a burden. Mr. Williams said the intent is for smaller projects to have a toolbox of preapproved solutions such as rain garden designs that do not require hiring a stormwater engineer, etc. Ms. McConnell said it will be a similar approach to the current requirements. Simplified tools are beneficial to residents, property owners, and developers; continuing that in the code update as well as education will help residents and smaller projects. Mr. Williams said many people have voluntarily done alternative stormwater designs on their property because they know it's the right thing and there are environmental benefits. Larger developers will need to go through the process. Councilmember Mesaros supported educating the public that this is a great opportunity for the City. Although it seems complex, the City has a good staff to assist.

Councilmember Buckshnis asked about culverts and stormwater in areas where there will not be any development. Mr. Williams referred to the CIP and longer range plans that identify issues in the City's drainage system that need to be upgraded or capacity expanded. Stormwater rates provide resources for capital projects. The City is beginning to video the drainage system and are finding a great deal that needs repair. The amount of investment in the future in stormwater infrastructure will be similar to investments in water and sewer. All that infrastructure is old and need work; culverts are undersized, culverts need to be replaced, etc. Most of that will not be done by developers or homeowners but by the City. Councilmember Buckshnis agreed this was a wonderful opportunity because the public is realizing

stormwater is killing fish and ruining streams. She asked what other agencies such as WSDOT are doing and how can the City help them understand the importance of stormwater management. Mr. Williams said other agencies also have to comply.

Councilmember Buckshnis agreed with looking at retrofitting unmanaged impervious surface and asked how 25% was selected. Mr. Williams answered it was the weighted average of people in the room. It will also some progress to be made on unmanaged impervious surfaces. Councilmember Buckshnis asked if staff will provide the Council the redline version of code in advance of the next meeting. Mr. Williams said staff will attempt to provide a comprehensive strikeout version but it will be difficult to read due to the number of changes/additions. Mr. Dubberstein clarified it is a 25% minimum; the aim is to get people to do more.

**4. DISCUSSION OF DRAFT ORDINANCE AMENDING ECC 5.21 (MISUSE OF THE 911 OR EMERGENCY CALL SYSTEM) TO CLARIFY THE DEFINITION OF MISUSE AND TO AMEND THE PENALTY PROVISIONS**

Assistant Police Chief Jim Lawless said the last time the ordinance was addressed was in 1999. As the redline version of the changes indicates, the ordinance is antiquated and not very user friendly and written well before the proliferation of cell phones and issues with 911 calls. This is not meant to address incidental/accidental situations such as a “pocket dial” but individuals who chronically use 911 inappropriately even after being informed of the proper procedures. As written, that activity would result in a misdemeanor charge. He provided an example, several months ago an individual called 911 73 times within 12-hour period. That is the type of situations this ordinance is intended to address.

Councilmember Nelson asked whether texting was addressed by this ordinance. ACOP Lawless answered no. Councilmember Nelson asked if frequent 911 texts would cause problems. ACOP Lawless advised text 911 is in an exploratory phase. The ordinance refers to the abuse of the 911 system and does not specify whether it is a dialed call or text.

Councilmember Buckshnis referred to the graduated penalty for false alarms. This ordinance does not refer to a graduated offense, only a fine not to exceed \$1000 or 90 days in jail. She asked whether there would be a fine for someone calling 911 who should have called the non-emergency number. ACOP Lawless assured it was not intended to address that; the ordinance also changed the definition of abuse of system to include “creation of public safety risk.” The ordinance is not meant to address the incidental accident such as a child calling 911 or someone calling 911 instead of the non-emergency number; it is intended to address egregious situations. He said situations that reach the degree of the example he provided, impact overall public safety. In consultation with the City Attorney and looking at what other jurisdictions have done, it was decided it would be a misdemeanor due to the public safety risk. Councilmember Buckshnis referred to the new non-emergency number.

Councilmember Teitzel observed the penalty was reduced from \$5,000 to \$1,000. ACOP Lawless said that is the penalty phase for a misdemeanor crime. Councilmember Teitzel asked how many were collected when the fee was \$5000. ACOP Lawless answered to his knowledge nothing has ever been done with the ordinance as written due to the difficulty of civilly suspending someone’s right to use a telephone; there was no way to enforce it.

It was the consensus of the Council to schedule this item for approval on the Consent Agenda.

**5. DISCUSSION OF DRAFT ORDINANCE AMENDING ECC 5.05 TO ADD CERTAIN PENALTY PROVISIONS RELATING TO ANIMAL BITES**

Assistant Police Chief Jim Lawless explained last summer there was a serious incident on the waterfront where a dog attacked a child and multiple reconstructive surgeries on the child's face were required. As a result of investigation by the animal control unit, a detective assigned to the case due to the severity of the injuries and public outreach and press releases, the subject was identified and he eventually turned himself in. The way the ordinance is current written, beyond the dog bite itself and running at large, there was nothing to charge the person with. There is a requirement to report a dog bite but no penalty if that is not done. This make it a criminal offense if the owner fails to report severe animal bite within 24 hours. He noted 99.9% of the time, dog bites are reported, whether by the owner or the person bitten. This ordinance is intended to address egregious situations to impose a penalty for not being a responsible animal owner. With regard to last year's incident, the police department tried to submit charges through the Snohomish County Prosecutor's office but it did not meet the statutory burden.

It was the consensus of the Council to schedule this item for approval on the Consent Agenda.

**6. DISCUSSION OF DRAFT ORDINANCE AMENDING ECC 8.32 TO ADD INATTENTIVE DRIVING SECTION**

Assistant Police Chief Jim Lawless said this ordinance has been on the back burner, hoping the State legislature would address it. Years ago there was a statute that allowed people to be cited for failure to use due care. It was struck down because it was statutorily vague and did not have enough specificity related to actions and penalties. This ordinance was developed after researching neighboring jurisdictions and working with the City Attorney. The intent is to minimize the burden on the driver; in certain cases, an officer's only option is a stiff penalty on an infraction or a misdemeanor. This ordinance allows officers to take necessary enforcement and lessen the burden on the person receiving the citation.

Councilmember Nelson observed the language does not mention cell phones. ACOP Lawless answered that is addressed by an existing RCW. This ordinance is intended to address issues outside of cell phones such as applying makeup, reading a book, anything other than paying attention to the roadway.

Councilmember Buckshnis asked why not include cell phones. ACOP Lawless said there is already an RCW and the police department is hopefully the legislature will tighten that further as having a phone up to your ear or in front of you does not change the dynamics of the person's driving.

It was the consensus of the Council to schedule this item for approval on the Consent Agenda.

**7. PRESENTATION OF BID RESULTS FOR THE 76TH AVE & 212TH ST. INTERSECTION IMPROVEMENTS PROJECT**

Public Works Director Phil Williams recommended rejecting all bids. He reviewed project information:

Engineer Est	\$3841,297
Lowest Bid (Tri Max)	\$5,116,721
Initial shortfall	<u>-\$1,275,424</u>
PUD Cost	-\$178,500
Frontier Cost	-\$271,000
Reimbursement by Comcast	\$41,659
Reimbursement by Wave	\$85,815
Total shortfall	<u>\$1,597,450</u>

He highlighted differences between the engineer's estimate and the lowest bid for several items:

Item	Engineer's Estimate	Lowest Bid	Difference
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Mobilization (Scheduled A)	\$114,000	\$230,000	\$166,000
Project Traffic Control	\$60,000	\$88,000	
Traffic Control Supervisor	\$1,000	\$115,000	
Pedestrian Traffic Control	\$20,000	\$45,000	
Flaggers	\$90,000	\$112,000	
Tree Removal	\$9,000	\$31,000	
Remove Structures & Obstructions	\$25,000	\$110,000	
CSBC	\$32,500	\$64,000	
Type 1 Low Profile Curb	\$2,000	\$27,000	
Temp Signal	\$100,000	\$184,000	
Traffic Signal	\$250,000	\$460,000	\$210,000
Mobilization (Schedule B)	\$50,000	\$100,000	
Temporary Traffic Control	\$20,000	\$50,000	
Traffic Control Supervisor	\$1,000	\$50,000	
12" storm sewer pipe	\$50,000	\$99,000	
16" storm sewer pipe	\$25,000	\$50,000	
Detention vault	\$200,000	\$280,000	
	<b>\$1,049,500</b>	<b>\$2,095,000</b>	

He said reasons for the high bid could include bidding at a difficult time of year, most contractors have their summer work outlined. For example, Trimaxx Construction, the apparent low bidder, won a bid in another city that was only 2% over the engineer's estimate prepared by the same engineering company. As a result, TriMaxx's summer work was fairly well established and he was uncertain whether that influenced this bid.

He recommended:

- Re-bid the project in December or January (better bidding climate)
- Apply for TIB grant in August 2015 (notification in November)
- If grant is successful move forward with scope as outlined
- If not successful, consider removing the undergrounding of overhead utilities (approximately \$929,000)

Councilmember Fraley-Monillas commented this was highway robbery. She hated to see the utilities not be undergrounded because this is such a rare opportunity. She urged staff to do their best to get the wires undergrounded. Mr. Williams agreed, noting people appreciated the undergrounding of utilities at Five Corners. This intersection is not quite as high value an intersection from a view standpoint as Five Corners but this was a one-time opportunity. Councilmember Fraley-Monillas said this is a north-south-east-west connection. Mr. Williams agreed removing the undergrounding would be a last resort.

It was the consensus of the Council to schedule rejection of the bid on the June 21 Consent Agenda.

#### **8. PRESENTATION OF A SUPPLEMENTAL AGREEMENT WITH KPG FOR THE 236TH ST. SW WALKWAY PROJECT**

Public Works Director Phil Williams explained the City signed a contract 1½ years ago with KPG to design a Safe Routes to Schools sidewalk from SR-104 to Madrona School that included a connection to the door of the school which was required in the grant. The initial contract was \$69,944.85. This contract expired on December 31, 2015 with only \$53,741 expended. A second contract was negotiated and signed on March 7, 2016 with KPG for \$40,752. The higher amount is due to the City's experience on 238<sup>th</sup> with the sidewalks and raingardens resulted in a limited amount of pavement, 10-foot lanes. That would have

also occurred at 236<sup>th</sup> leading up to the school, a location where 600 cars/day drop off and pick up students. Width was added to the road which increases construction costs and design costs.

Before construction begins, a supplemental agreement with KPG must be executed to secure their services for engineering support during construction. The City has negotiated a consultant fee of \$14,972 for these services. Staff is also requesting a 5% management reserve.

It was the consensus of the Council to schedule this item for approval on the Consent Agenda.

#### **9. REPEAL ECC 10.5 DISSOLVING LIBRARY BOARD**

Parks & Recreation Director Carrie Hite recalled during the 2015 retreat the Council agreed to analyze the cost and purpose of all boards and commissions and whether they were necessary and effective. At that time Mayor Earling recommended dissolution of the Library Board; the Library Board also recommends dissolution. She requested this item be forwarded to the Consent Agenda.

It was the consensus of the Council to schedule this item for approval on the Consent Agenda.

#### **10. EDMONDS CITY CODE CHAPTER 10.95 -CITIZENS' TREE BOARD**

Councilmember Buckshnis highlighted changes:

- Specifying when the Tree Board will meet
- Changing language in 10.95.030.A Powers and Duties
  1. ~~Developing a~~ The board may assist in developing a tree ordinance or an Urban Forest Management Program designed to help preserve and protect existing trees, encourage planting of additional trees, safeguard trees on parcels where construction or renovation is occurring or planned to occur, and encouraging the Edmonds citizenry to become active stewards of the urban forest.
  7. Working towards achieving and maintaining a ~~ement of~~ Tree City USA® status.
- Changing language in 10.95.030.B:
  - The board shall provide an annual report to the city council within the first quarter ~~in December~~ of each year.

Councilmember Teitzel suggested changing “or an Urban Forest Management Program” in 10.95.030 to “and/or an Urban Forestry Management Plan.” Councilmember Buckshnis said the tree ordinance and Urban Forest Management Plan will not be done at the same time. She was agreeable to the change.

It was the consensus of the Council to schedule this item for approval on the Consent Agenda.

#### **7.A EMERGENCY RESOLUTION REGARDING THE CITY PARK FIRE**

Parks & Recreation Director Carrie Hite explained there was a fire at the City Park maintenance building on June 8. The police consider it an arson and are actively investigating it. She displayed photographs of the damaged storage shed, a flatbed pickup, severely burned trees behind the shed and another smaller shed that has collapsed. The shed stores all the park maintenance products, equipment, stereo system for 4<sup>th</sup> of July, etc. Staff is developing an inventory of the contents of the shed. This is an emergency ordinance to contract with Belfor Restoration to remove the shed due to the safety issue it poses in its current condition. If the Council approves the emergency ordinance, demolition could begin as soon as tomorrow.

WCIA has assigned Evergreen Adjustment Services who were in contact the day after the fire. An adjuster visited the site the day after the fire and took pictures; his analysis was submitted today. The

rough estimate of loss is \$75,000 - \$100,000 for the building and contents although the inventory has not yet been finalized. Vehicles are handled separate from the building in the City's insurance policy. An adjuster is coming tomorrow to assess the completely destroyed flatbed truck as well as five other vehicles that were severely damaged from the fire's heat. The City's policy has a \$25,000 deductible for facilities, not vehicles, so some allocation will be required for rebuilding. She and Mr. Williams have discussed reassessing the usability of the building design; the shed had a very narrow door for loading equipment. Staff may consider rebuilding it in a slightly different configuration as well as enhancing security at City Park. Staff will return to Council with that issue in the future.

Mr. Williams said this is the third break-in in the six years since he has been with the City. A more robust security system with cameras would be appropriate. A \$4,600 order of janitorial supplies had been placed in the building shortly before the fire which will require an emergency order of janitorial supplies. The emergency is to demolish the building; there is an opportunity to rethink the footprint of the building.

Councilmember Teitzel asked whether there was any potential adverse effect on the insurance claim from not putting the contract out for bid. Ms. Hite answered no, the insurance adjuster is recommending this process and removal of the building. The insurance adjuster also recommended Belfor who they often work with on municipal projects. Mr. Williams said it would not need to go out for bid as it likely would be well within the limitations of using the roster process but that takes more time than an emergency resolution.

**COUNCIL PRESIDENT JOHNSON MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE RESOLUTION 1361, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, FINDING THAT AN EMERGENCY EXISTS AND WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR PUBLIC WORKS TO ADDRESS DAMAGE RESULTING FROM THE JUNE 8, 2016 FIRE AT CITY PARK. MOTION CARRIED UNANIMOUSLY.**

#### **7. MAYOR'S COMMENTS**

Mayor Earling commented Flag Day is always a joyous day in Edmonds, made more dramatic today by the wind. Contrasting that is the recent tragedy in Orlando, Florida; the flag at City Hall will be at half-mast by presidential decree through June 16.

Mayor Earling announced the Arts Festival kickoff tomorrow night for the patrons' party and the festival itself on Friday through Sunday. He encouraged Councilmembers to attend, noting had a peek at the artwork on Sunday and it is stunning.

#### **8. COUNCIL COMMENTS**

Councilmember Nelson commented on the events in Orlando: The victims of this tragedy are not just a number; they came from all over and represented the very best of America. They came from Florida, Connecticut, South Carolina, New York, Michigan, Louisiana, Puerto Rico, Mexico, Dominican Republic, Venezuela, Cuba; worked at UPS, McDonald's, Starbucks, Calvin Klein, Disney World; employed as a student financial aid counselor for veterans, an accountant in marketing, social worker, general manager, sales associate, television producer, financial adviser, mental health counselor, several college students, a restaurant owner, nurse, pharmacy technician, interior design student, computer science student, a nursing student, an honor student, an aspiring sports journalist, a former US Army captain, an actor and gospel singer, a father of three and a mother of eleven. His heart went out to the families who lost loved ones, to those that survived and to the first responders who bore witness to this tragedy. Words cannot express the selfishness of this attack and the anger he felt to the few who dare threaten our way of life. To quote President Coolidge, "Little progress can be made by merely attempting



to repress what is evil. Our great hope lies in developing what is good.” Councilmember Nelson’s hope was Edmonds citizens stand with those who are developing good; tolerance, not intolerance; inclusion, not exclusion; those who love, not hate our differences.

Councilmember Fraley-Monillas said after spending two weeks in Mexico, she was thankful for the United States. Despite what occurred in Orlando, she was happy to live in the United States.

Councilmember Buckshnis asked for a moment of silence for Orlando.

Council President Johnson announced open houses next week:

- Tuesday, June 21: Hazardous Mitigation Planning, 5:00 – 7:00 p.m. in the Library Plaza Room
- Wednesday, June 22: Presentation on the new Waterfront Activity Center, 7:00 – 9:00 p.m. at the Senior Center
- Thursday, June 23: Civic Field Master Plan, 6:00 – 7:30 p.m. in the Library Plaza Room

Councilmember Teitzel echoed Councilmember Nelson’s remarks and thoughts about the tragedy in Orlando. He has had a difficult time concentrating the last two days; the events weigh heavy on his heart, realizing what a unthinkable, horrific tragedy it would be if that happened in this community. Recognizing there are soft targets in Edmonds including schools and the Edmonds Center for the Arts and events like the Taste of Edmonds, he suggested local security measures be evaluated to reduce the potential for such an incident to happen. With a heavy heart, his thoughts are with those in Orlando.

Councilmember Mesaros said before June 14 was Flag Day, it was US Army Day commemorating the Continental Congress’ creation of the United States Army in 1775. Remembering that date was one of the qualifications for members of the Army.

Councilmember Mesaros thanked Councilmember Nelson for his comments regarding the tragedy in Orlando. He relayed his son has visited Pulse while in Orlando for the entertainment but was glad he was not there last Saturday night.

**9. CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)**

This item was not needed.

**10. RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION**

This item was not needed.

**11. ADJOURN**

With no further business, the Council meeting was adjourned at 9:48 p.m.